

## **Remarks**

Applicants respectfully request reconsideration of this application as amended.

Claims 15 and 18 have been amended. Claims 17 and 20 have been cancelled. Therefore, claims 1-16, 18 and 19 are presented for examination.

In the Office Action, the informal drawings were asserted to not be of sufficient quality to permit examination. Applicants submit that replacement drawings are submitted herewith.

Applicants acknowledge the allowance of claims 7-14, and that claims 17 and 20 would be allowable if rewritten to include the features of the base claims and any intervening claims.

Claims 1-6, 15, 16, 18 and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ojard et al. (U.S. Patent No. 6,130,894). Applicants submit that the rejection with respect to claims 15, 16, 18 and 19 have been obviated by the amendment of claims 15 and 18 to include the allowable features of claims 17 and 20.

Further, applicants submit that claims 1-6 are patentable over Ojard. Ojard discloses a station having a network interface that receives packet data from a shared medium and accomplishes the signal processing required to convert the data packet to host computer formatted data separately from receiving the data packet. The network interface includes an off-line process that converts host-formatted data to a digitized version of a transmission data packet and stores that in a transmission queue. A transmitter converts the transmission data packet format and transmits the data to the shared medium. See Ojard at Abstract. In addition, a collision detector is included that compares transmit data packets being transmitted to received data packets to detect the presence of other transmissions from other

stations. A data collision occurs when another station is transmitting a data packet during the time when the station attempts to transmit a data packet. The collision detector generates a collisionDetect (CD) signal indicating whether or not a data collision has been detected (col. 2, ll. 46-60).

Claim 1 of the present application recites a PHY attempting to transmit a link frame if the PHY has not transmitted a frame in the last  $x$  seconds. Applicants submit that nowhere in Ojard is there disclosed or suggested a process of determining if a PHY has transmitted a previous frame prior to attempting to transmit a link frame. Instead, Ojard discloses only that a collision detector compares transmit data packets being transmitted to received data packets to detect the presence of other transmissions from other stations. Thus, claim 1 is patentable over Ojard.

Although not technically cited as a reference in the Office Action, Yang et al. (U.S. Patent No. 5,526,355) is discussed in combination with Ojard as disclosing the present claims. The Office Action asserts that Yang discloses a PHY attempting to transmit a link frame at a time interval after a last frame transmission attempt has ended. Notwithstanding, the Office Action's interpretation of the Yang reference, applicants submit that there is no disclosure or suggestion in Yang of a PHY attempting to transmit a link frame if the PHY has not transmitted a frame in the last  $x$  seconds.

As discussed above, Ojard does not disclose or suggest a PHY attempting to transmit a link frame if the PHY has not transmitted a frame in the last  $x$  seconds. Since neither Ojard nor Yang disclose or suggest a PHY attempting to transmit a link frame if the PHY has not transmitted a frame in the last  $x$  seconds, any combination of Ojard and Yang would not

disclose or suggest such a feature. As a result, claim 1 is also patentable over a combination of Ojard and Yang.

Claims 2-6 depend from claim 1 and include additional features. Thus, claims 2-6 are also patentable over Ojard and/or the combination of Ojard and Yang.

Applicants respectfully submit that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicants respectfully request the rejections be withdrawn and the claims be allowed.


The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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